

October 16, 2002

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, DC 20554

Re: Request Amendment of the Commission's Rules to Prohibit Daily Business
Communications on Family Radio Services (FRS) Frequencies RM-10564

Dear Chairman Powell:

On August 22, 2002, the Industrial Telecommunications Association, Inc. (ITA) filed a *Petition for Rulemaking* (Petition) asking the Commission to amend its rules to prohibit daily business communications on Family Radio Service frequencies.¹ On September 17, 2002, the Consumer and Government Affairs Bureau released a *Public Notice* to announce the acceptance of statements supporting or opposing the Petition.²

Being a radio dealer who supplies communications equipment to all types of businesses, for all types of internal communication needs, I am interested in the outcome of this proceeding. My involvement in the private wireless industry has allowed me to see first hand the growing use of FRS frequencies by businesses for their daily communications needs. I agree with ITA's Petition and support a prohibition of business communications on FRS frequencies.

When the Commission allocated channels for FRS, it intended that the frequencies be used by families and friends on group outings. Unfortunately, from the experiences I have had, business use of FRS channels has steadily increased, jeopardizing the viability of both Family and Private Land Mobile Radio Services.

FRS frequencies are further degraded when businesses use FRS equipment interchangeably with their traditional business radios. The Commission apparently recognizes the need for separate allocations for FRS and business channels in its current spectrum management policy. When that policy is circumvented and these two vastly different services are integrated, however, a business user could congest FRS channels and restrict the intended users (families and friends) from having access to the channels. FRS channels are not appropriate for daily business use;

¹ See, Amendment of Part 95 of the Commission's Rules to Establish a Very Short Distance Two-way Voice Radio Service. *Petition for Rulemaking*, RM-10564, filed on Aug. 22, 2002 (Petition).

² See, Consumer & Government Affairs Bureau Reference Information Center, Petition for Rulemaking Filed, *Public Notice*, Report No. 2576 (rel. Sept. 17, 2002).

business users should meet their communications needs more reliably, effectively, and efficiently with an authorization in the Private Land Mobile Radio Service.

FRS equipment also needs to be addressed. Since these channels are unlicensed, businesses can buy equipment for FRS radios at local retail stores (*i.e.* Target, Wal-Mart, etc.) without going through a dealer. These radios could prove to be quite dangerous, however, because they are not intrinsically safe. FRS radios, in some work environments, put the safety of employees at risk. Using FRS radios to communicate in a combustible atmosphere such as automobile manufacturing plants, oil and gas refineries, and along pipelines could be dangerous not only for employees, but for the public in the vicinity. The combination of lack of knowledge by the business user about communications equipment, and the marketing of FRS for business communications could prove to be a deadly communications solution. The prohibition of daily business communications on FRS frequencies and subsequent enforcement could prevent businesses from unintentionally using this equipment in an unsafe manner.

A prohibition of daily business communications on FRS frequencies is needed for the preservation of the allocation for its intended use - communications between families and friends. From my perspective, I have seen the overuse of FRS frequencies by businesses, and I know the potential danger involved with the use of FRS radios in certain environments. I urge the Commission to prohibit business communications on these channels and look forward to working with the Commission on a rulemaking proceeding concerning this issue.

Sincerely,

Kathleen R. Watt
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